

CONSOLIDATED TEXT OF THE LAW  
ON REPRESENTATION ACTIVITIES PERFORMANCE IN CUSTOMS PROCEDURES  
UNOFFICIAL VERSION<sup>1</sup>

I. GENERAL PROVISIONS

Article 1

This Law regulates the manner and the requirements for issuance and revocation of an authorization and license for representation activities performance before customs authorities for the purpose of performing activities and formalities prescribed by the customs regulations, taking a professional exam for licensed representatives, the composition and the mandate of the Commission for taking the professional exam, the type of fees paid and the type of records kept in accordance with this Law, and the manner of exerting control over the work of authorized customs representatives and licensed representatives.

Article 2

The terms used in this Law shall have the following meaning:

1. "Person" shall mean a natural person or a legal entity;
2. "Customs formalities" shall mean any actions to be implemented by the parties and customs authorities in order to apply customs regulations;
3. "Customs Authority" shall mean any Customs Administration's organizational unit stipulated by law which is competent for the application of customs or other regulations, where all or some of the prescribed formalities may be performed;
4. "Authorized Customs Representative" shall mean a person authorized to perform representation activities in customs procedures;
5. "Licensed Representative" shall mean any natural person who has a license to perform representation activities in customs procedures and is authorized to sign customs declarations;
6. "Customs offenses" shall mean any violations determined by the Law on Customs Administration, the Law on Customs, the Law on Customs Measures for Protection of Intellectual Property Rights, the Law on Excises and/or other laws which place certain offenses under the competence of the Customs Administration;
7. "Association of Representatives" shall mean a group or other form of organization of freight forwarders and logistic operators at an economic chamber registered in the Republic of Macedonia, in which more than half of the total number of authorized customs representatives are members, or which is a member of a relevant international organization or association.

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<sup>1</sup>The consolidated text was prepared on the basis of the text of the Law on Representation Activities Performance in Customs Procedures published in the "Official Gazette of the Republic of Macedonia" No. 180/14, 154/15, 192/15 and 23/16.

This consolidated text has no legal force.

For customs procedure legal purposes, only the published texts of the Law specified in the first paragraph shall apply.

#### Article3

- (1) Any trade company or sole proprietor that meets the requirements prescribed by this Law and is authorized to perform representation activities in customs procedures (hereinafter: Authorized Customs Representative) may perform activities for representation in customs procedures.
- (2) Any Authorized Customs Representative shall perform representation activities in customs procedures, i.e. carry out customs activities and formalities and/or submit a Customs Declaration on behalf of and for another person (direct representation) or on their own behalf, but for another person (indirect representation), only through a person who has a License to perform representation activities (hereinafter: Licensed Representative).
- (3) The Authorization and License referred to in paragraphs (1) and (2) hereof shall not be transferrable to another person.

#### Article4

- (1) Regarding the procedures for issuance and revocation of an Authorization and License for performing representation activities, unless otherwise stipulated by this Law, the Law on General Administrative Procedures shall apply.
- (2) Against the Decisions made by the Customs Authority in an administrative procedure, an administrative dispute may be initiated before the competent court.
- (3) The lawsuit shall not postpone the execution of the Decision.

## II. AUTHORIZATION FOR REPRESENTATION ACTIVITIES PERFORMANCE IN CUSTOMS PROCEDURES

#### Article 5

- (1) An Authorization to perform representation activities in customs procedures shall be issued to a trade company or a sole proprietor that meets the following requirements:
  - a) is registered in the Republic of Macedonia;
  - b) is registered for performing an activity that includes representation in customs procedures;
  - c) has employed at least one Licensed Representative for an indefinite period of time;
  - d) has business premises and equipment for performing representation activities in customs procedures which is adequate for access to the Customs Administration's computerized system for processing of customs and other documents;
  - e) shall submit a written Statement that, within 30 days after receiving the Authorization for representation activities performance in customs procedures, they shall enter into a contract with the Customs Administration in order to gain access to the computerized system for processing of customs documents;
  - f) shall submit a Statement guaranteeing the fulfillment of all obligations which may arise from performing representation activities in customs procedures under this Law;
  - g) in the last two years, the Applicant and the person in charge of the Applicant must not have been found guilty of committing a customs offense and must not have been imposed a fine in a total amount exceeding EUR 20,000 in MKD equivalent by one or more effective decisions of a competent misdemeanor body, i.e. court, or must not have been found guilty by an effective court decision

- oncommitting a criminal offense against public finances, payment operations and the economy, a criminal offense against official duty, a criminal offense against legal authority or a criminal offense stipulated by the Law on Excise;
- h) shall have no arrears and debts to the State.
- (2) The Authorization referred to in paragraph (1) hereof shall be issued by the Customs Administration at the request of the Trade Company or Sole Proprietor.
  - (3) The Customs Administration shall issue the Authorization referred to in paragraph (1) hereof within 30 days after the day of receiving the duly submitted Request, to which all evidence for fulfillment of the requirements referred to in paragraph (1) hereof shall be attached.
  - (4) The Minister of Finance shall prescribe more precisely the evidence for fulfillment of the requirements referred to in paragraph (1) hereof and the form and content of the Request referred to in paragraph (2) hereof.
  - (5) The evidence for fulfillment of requirements regarding the issuance of an Authorization for representation activities performance in customs procedures as in paragraph (1) items a), b), g) and h) hereof shall be obtained by a Customs Administration authorized official who shall request such evidence from the competent public authority within three days after the day of receiving the Request.
  - (6) The authorized official of the competent public authority shall supply the requested evidence referred to in paragraph (5) hereof within three days after the day of receiving the Request.

#### Article 6

The Authorized Customs Representative shall, within eight days, notify the Customs Administration of any change concerning the fulfillment of the requirements prescribed in Article 5 paragraph (1) of this Law which are relevant for issuing, amending or revoking the Authorization for representation activities performance in customs procedures or the License for representation activities performance.

### III. LICENSE FOR REPRESENTATION ACTIVITIES PERFORMANCE IN CUSTOMS PROCEDURES

#### Article 7

- (1) Licensed Representative activities may be performed by any person possessing a License to perform representation activities in accordance with this Law.
- (2) A License for representation activities performance in customs procedures shall be issued to any person who meets the following requirements:
  - a) holds at least a secondary education degree, has at least two years of work experience in the area of customs operations and has passed the professional exam for licensed representatives.
- (3) In addition to the requirements referred to in paragraph (2) hereof, such person shall also meet the following conditions:
  - a) in the last two years, the person must not have been found guilty of committing a customs offense and have not been imposed a fine in a total amount exceeding EUR 2,000 in denarequivalent by one or more effective decisions of a competent misdemeanor body or court, or have not been found guilty by an effective decision of a competent court of committing a criminal offense against public finances,

payment operations and the economy, a criminal offense against official duty, a criminal offense against legal authority or a criminal offense stipulated by the Law on Excise;

b) the person shall be an active speaker of one of the three most frequently used languages in the European Union (English, French, German), holding an internationally recognized certificate issued by an official European tester, a member of the ALTE European Testers Association, or a certificate issued by an international institution for the A1 level of CEFR, i.e. FCE, BULATS; or a TOEFEL PBT with at least 310 points, TOEFEL CBT with at least 35 points or TOEFEL IBT with at least 10 points, or DELF, TCF, TFE, or a Goethe Certificate.

- (4) The Customs Administration shall issue the license referred to in paragraph (1) hereof within 30 days after the day of receiving the duly submitted Request, to which all the evidence regarding the fulfillment of the conditions referred to in paragraphs (2) and (3) of this Article shall be attached.
- (5) The Minister of Finance shall prescribe more precisely the evidence for fulfillment of the conditions referred to in paragraphs (2) and (3) hereof, and the form and content of the Request referred to in paragraph (4) hereof.
- (6) The evidence regarding the fulfillment of the condition for issuing a License for representation activities performance in customs procedures as in paragraph (3) item a) hereof shall be obtained by the Customs Administration's authorized official who shall request such evidence from the competent public authority within three days after the day of receiving the Request.
- (7) The competent public authority's authorized official shall supply the requested evidence referred to in paragraph (6) hereof within three days after the day of receiving the Request.

#### Article 8

- (1) Along with the license referred to in Article 7 of this Law, the Customs Administration shall, at the request of the Licensed Representative, also issue a Licensed Representative Identification Card (hereinafter: Identification Card).
- (2) The Minister of Finance shall prescribe the form and content of the Request and Identification Card referred to in paragraph (1) hereof.
- (3) When performing activities in its official premises or the Customs Administration premises, or while being involved in the performance of official duties outside the work space, the Licensed Representative shall carry the Identification Card referred to in paragraph (1) hereof in a visible place on their person.
- (4) A Licensed Representative who will be employed by another Authorized Customs Representative shall, within eight days after the new employment, return the issued Identification Card and request the Customs Administration to issue a new Identification Card.
- (5) The Customs Administration shall cancel the returned Identification Card.

#### Article 9

The Licensed Representative shall, within eight days, notify the Customs Administration of any change regarding the fulfillment of the conditions referred to in Article 7 of this Law that are relevant for issuing or revoking the License issued for representation and/or issuing or cancelling the issued Identification Card.

#### Article 10

- (1) Regarding the issuance of the License referred to in Article 7 of this Law and the Identification Card referred to in Article 8 paragraph (1) and paragraph (4) of this Law, the Customs Administration shall charge fees in the amount of the actual issuance costs.
- (2) The Minister of Finance shall prescribe the level of fees referred to in paragraph (1) hereof.

### IV. REVOCATION OF AUTHORIZATION AND LICENSE ISSUED FOR PERFORMANCE OF REPRESENTATION ACTIVITIES IN CUSTOMS PROCEDURES

#### Article 11

- (1) The Customs Administration shall revoke the Authorization for performing representation activities in customs procedures if:
  - a) upon issuing the Authorization, circumstances arise due to which the Authorized Customs Representative no longer meets the requirements prescribed in Article 5 of this Law;
  - b) upon issuing the Authorization, a bankruptcy procedure has been initiated against the Authorized Customs Representative;
  - c) within 30 days after the date of Authorization issuance, the Authorized Customs Representative does not request access to the Customs Administration's computerized system for processing of customs documents.
  - d) if twice over a period of two years, the Authorized Customs Representative has been imposed by an effective court decision the measure referred to in Article 48 paragraph (1) of this Law.
- (2) Both the Authorized Customs Representative and the Customs Administration shall, by a mutual agreement, regulate their rights and obligations regarding their access to the computerized system for processing of customs documents, in accordance with the law.

#### Article 12

- (1) The Customs Administration shall revoke the license issued for performing representation activities in customs procedures if:
  - a) upon issuing the license, circumstances arise due to which the Licensed Representative no longer meets the conditions prescribed in Article 7 of this Law;
  - b) if the Licensed Representative fails to attend the complementary training referred to in Article 33 of this Law two times in a row;
  - c) if twice over a period of two years, the Licensed Representative has been imposed by an effective court decision the measure referred to in Article 48 paragraph (2) of this Law.
- (2) In the cases referred to in paragraph (1) hereof, the Licensed Representative shall return the issued Identification Card within eight days.

### V. PROFESSIONAL EXAM FOR LICENSED REPRESENTATIVES

#### Article 13

(not applicable until 1 June 2016)

- (1) The professional exam for licensed representatives may be taken by any person who:
  - a) holds at least a secondary education degree,
  - b) has at least one year of work experience in the field of customs operations,

- c) is an active speaker of one of the three most frequently used languages in the European Union (English, French, German), holding an internationally recognized certificate issued by an official European tester, a member of the ALTE European Testers Association, or a certificate issued by an international institution for the A1 level of CEFR, i.e. FCE, BULATS; or TOEFEL PBT with at least 310 points, TOEFEL CBT with at least 35 points or TOEFEL IBT with at least 10 points, or DELF, TCF, TFE, or a Goethe Certificate, and
- d) holds a certificate for a completed preliminary training for licensed representatives.
- (2) A fee for the professional licensed representative exam shall be paid in the amount of the actual costs for its implementation and the work of the Commission.
  - (3) The preliminary training for licensed representatives shall be organized and conducted by the Customs Administration, either independently or in cooperation with the Association of Representatives.
  - (4) In order to attend the preliminary licensed representative training, the trainee shall pay a fee in the amount of the actual costs for its implementation.
  - (5) The Minister of Finance shall prescribe more precisely the Program for conducting the preliminary training and the level of fees referred to in paragraphs (2) and (4) hereof.

#### Article 14

(not applicable until 1 June 2016)

- (1) The professional exam for licensed representatives shall be conducted at least twice a year;
- (2) The technical and administrative activities required to conduct the professional exam shall be performed by the Customs Administration, for which the Customs Administration Director shall appoint a responsible person who shall determine whether the candidate meets the requirements for taking the exam, while the exam shall be technically conducted through the single electronic examination system;
- (3) The responsible person referred to in paragraph (2) hereof shall receive a monetary compensation for each conducted exam session, amounting to one quarter of the average net salary in the Republic of Macedonia, regarding which the Customs Administration shall issue a Decision;
- (4) The candidate shall submit a Request for taking the exam to the Customs Administration;
- (5) Along with the Request for taking the exam, the candidate shall submit evidence for fulfillment of the requirements for taking the professional exam prescribed by this Law;
- (6) The exam shall be taken in an examination room, specifically equipped for taking the professional exam with material, technical and IT equipment, an internet connection and equipment for recording the exam;
- (7) Candidates whose Request for taking the exam has been accepted and the general public shall be informed of the date and time of the examination via the Customs Administration website and through the Public Broadcasting Service at least eight days prior to the examination;
- (8) The examination shall be recorded and broadcast live on the Customs Administration website, and if the recording is interrupted due to technical difficulties, the recording of the entire exam shall be posted on the Customs Administration website;

- (9) The criteria regarding the spatial conditions and the material, technical and IT equipment of the examination room shall be prescribed by the Minister of Finance;
- (10) During the exam, the Commission referred to in Article 30 of this Law and one representative from the Ministry of Information Society and Administration (IT technician) shall be allowed in the examination room;
- (11) The authorized legal entity responsible for the exam technical implementations shall block the radio frequency band in the examination room during the exam sessions;
- (12) The Agency for Electronic Communications (hereinafter: AEC) shall constantly monitor the blocking of the radio frequency band in the examination room in order to prevent any kind of electronic communication with the environment outside the examination room;
- (13) In the examination room, the AEC shall install measuring equipment to keep an electronic record of measurements performed within a period of 30 days which shall be stored in the AEC's central control system;
- (14) The AEC shall establish a three-member committee which shall prepare a report based on the electronic records stored in the AEC's central control system and submit it to the Customs Administration no later than 15 days after the end of the exam session.

#### Article 15

(not applicable until 1 June 2016)

- (1) The professional exam for licensed representatives shall consist of two parts, as follows:
  - Part 1 (theoretical part), which shall examine the candidates' theoretical knowledge; and
  - Part 2 (case study), which shall examine the candidates' ability to apply customs rules in practice.
- (2) The exam referred to in paragraph (1) hereof shall be taken electronically by answering a number of questions in the form of an electronic test solved on a computer.
- (3) Part 1 of the exam shall consist of 60 questions from the following areas:
  - Customs formalities for placing the goods for inspection by customs authorities,
  - Conducting a transit procedure,
  - Freight forwarding,
  - Customs-allowed treatment or use of goods,
  - Customs procedures,
  - Customs and other duties,
  - Non-tariff measures and trade policy measures,
  - Customs tariff,
  - Origin of goods,
  - Value of goods for customs purposes,
  - Taxes, excises and tax policy,
  - Transport and transport insurance, and
  - Preparation and use of a Customs Declaration.
- (4) Part 2 of the exam shall consist of:

- Analysis of an individual case study from the areas referred to in paragraph (3) hereof, and
- Questions to be answered by the candidate on the basis of the case study analysis.

#### Article16

(not applicable until 1 June 2016)

- (1) The exam to be taken shall be consistent with a Program comprised of the subject matter, regulations and literature.
- (2) The Program for taking the exam shall be passed by the Minister of Finance.

#### Article17

(not applicable until 1 June 2016)

- (1) The questions in Part 1 and the database of practical examples in Part 2 of the exam referred to in Article 15 of this Law shall be prepared by customs officers who have at least ten years of work experience in the relevant areas and who shall be appointed by the Customs Administration Director.
- (2) The Commission referred to in Article 30 of this Law shall verify and update the database of questions and the database of practical examples referred to in paragraph (1) hereof at least twice a year.
- (3) During such verification, the Commission shall take particular consideration of the changes in the regulations on which the question, i.e. the practical example is based, the number of candidates who responded such question, the success rate of their response, and other criteria which may affect the improvement of the quality of databases from paragraph (1) hereof.
- (4) Based on the verification conducted and the updating of the database of questions and the database of practical examples, the Commission shall decide that at least 30% of the questions and practical examples be amended or completely removed and replaced with new ones from the databases referred to in paragraph 1 hereof.

#### Article18

(not applicable until 1 June 2016)

- (1) The Commission referred to in Article 30 shall determine by Decision whether the candidate meets the requirements for taking the exam.
- (2) An administrative dispute before the competent court may be initiated against the Decision rejecting the Request for taking the exam.

#### Article19

(not applicable until 1 June 2016)

- (1) Before the beginning of the professional exam, the Commission referred to in Article 30 shall verify the identity of each candidate by inspecting their identity card.
- (2) While taking Part 1 of the exam, the candidate shall not be permitted to use laws, laws with commentary and explanation, a mobile phone, portable devices and other technical and IT resources, objects prepared beforehand and the like.
- (3) While taking Part 2 of the exam, the candidate shall be permitted to use only the customs clearance guide and the instructions for completing a Customs Declaration

- stored in an electronic version in the computer on which the exam is taken.
- (4) While taking Part 1 and Part 2 of the exam, the candidate shall not be permitted to contact other candidates or persons other than the IT technician referred to in Article 14 paragraph (9) of this Law, in case a technical issue occurs in the computer.
  - (5) If the computer's technical issues are resolved within five minutes, the exam shall continue, while if they are not resolved within this time-frame, such candidate's examination shall be interrupted and held again within no more than three days after the day of the its interruption.
  - (6) If issues occur in more than five computers and they are not resolved within five minutes, the exam shall be interrupted for all candidates taking the exam and it shall be held within no more than three days after the day of exam's termination.
  - (7) If, when taking Part 1 and Part 2 of the exam, the candidate acts contrary to paragraphs (2), (3) and (4) hereof, they shall not be allowed to continue with their exam during that exam session and they shall be banned from taking the professional exam for licensed representatives for a period of three years, with a decision issued by the Commission from Article 30 of this Law, against which an administrative dispute may be initiated before a competent court within 30 days after the day of receipt of the Decision.
  - (8) In cases referred to in paragraph (7) hereof, the candidate shall be deemed not to have passed the professional exam and this shall be recorded in the proceedings of the professional exam for licensed representatives.
  - (9) During the examination, the Commission members shall not remain in the immediate vicinity of the candidate taking the exam longer than five seconds, except in case of resolving a technical issue, when they shall remain near the candidate no longer than five minutes.

#### Article 20

(not applicable until 1 June 2016)

- (1) If during the examination, there appear justified reasons for which the candidate cannot continue with the exam (illness, maternity leave, education abroad, etc.), the exam shall be suspended for a definite period of time, which may not exceed six months.
- (2) A Decision for continuation of the exam shall be adopted by the Commission referred to in Article 30 of this Law upon the candidate's Request. The Request shall be filed within eight days after the cessation of the reasons for postponing the examination, but no later than six months.
- (3) If the candidate fails to submit a Request for the continuation of the exam within the time-frame specified in paragraph (2) hereof, they shall be deemed not to have passed the exam.
- (4) A separate appeal shall not be allowed against the Decision referred to in paragraph (2) hereof.
- (5) When continuing the exam, the candidate shall not retake the part of the exam which they have already taken.

#### Article 21

(not applicable until 1 June 2016)

- (1) The professional examination shall begin by taking Part 1 (theoretical part), and then Part 2 (case studies).
- (2) Part 2 shall be taken within at least 15 days after passing Part 1 of the exam.

- (3) The Minister of Finance shall prescribe the manner of scoring of both Parts 1 and 2 of the exam.

#### Article 22

(not applicable until 1 June 2016)

- (1) Part 1 of the exam shall be taken for each of the subject areas referred to in Article 15 paragraph (3) of this Law, and it shall contain at least 60 multiple-choice questions with five choices, one of which shall be correct, two shall be similar, one shall be insignificantly incorrect (costing fewer points) and one shall be significantly incorrect (costing more points).
- (2) If the candidate fails Part 1 of the exam, they shall be deemed not to have passed the exam.

#### Article 23

(not applicable until 1 June 2016)

- (1) Part 2 of the exam shall consist of a case study based on the cases referred to in Article 15 paragraph (3).
- (2) The multiple-choice questions which are a part of the case study shall be related to the area of the case on which the case study is based, and shall contain ten possible choices, one of which shall be correct, five shall be similar, and four shall be different.
- (3) If the candidate fails Part 2 of the exam, they shall be referred to a correctional exam only for Part 2 of the exam.
- (4) If the candidate fails the correctional exam referred to in paragraph (3) hereof, they shall be deemed not to have passed the entire exam.

#### Article 24

(not applicable until 1 June 2016)

- (1) Part 1 of the professional exam shall be taken by answering a number of questions in the form of an electronic test solved on a computer.
- (2) Depending on their difficulty, the test questions shall be evaluated by points specified in the test.
- (3) Part 2 of the professional exam shall be taken by analyzing a case study and answering a certain number of questions arising from the study, in the form of an electronic software solution (hereinafter: an electronic case study).
- (4) Depending on their difficulty, the case study questions shall be evaluated by points specified in the test.
- (5) The questions contained in the tests of Part 1 of the professional exam and their answers, as well as the case study and the questions arising from the study and their answers shall be kept in the single electronic examination system for taking the professional exam referred to in Article 14 paragraph 2) of this Law.
- (6) The electronic system referred to in paragraph (5) hereof shall also contain a publicly available database of at least 500 questions needed for Part 1 of the exam, as well as a publicly available database of at least 100 case studies needed for Part 2 of the exam.
- (7) The electronic system shall include references to the regulations and literature containing the answers to the questions from Part 1 of the exam and the

regulations and literature for Part 2 of the exam.

- (8) The number of questions and case studies in the databases referred to in paragraph (6) hereof shall be increased by 10% per year, starting from 2015.
- (9) The results of Part 1 and Part 2 of the exam shall be available to the candidate on the computer where the exam was taken immediately after its completion.

#### Article25

(not applicable until 1 June 2016)

- (1) On the day of taking Part 1 or Part 2 of the exam, the Commission shall give the candidate an access code, that is, a password to grant them access to the electronic system referred to in Article 15, paragraph (2) of this Law.
- (2) Having their access granted, the candidate shall receive a computer-generated electronic test in Part 1 of the exam, or a computer-generated electronic case study in Part 2 of the exam, whose content shall be chosen at random by the software of the electronic system referred to in Article 15 paragraph (2) of this Law and the databases referred to in Article 17 of this Law.
- (3) Part 1 and Part 2 of the exam shall contain instructions on how to take the exam, which the Commission shall clarify before the examination.
- (4) The electronic examination system shall prohibit that identical content be generated for the electronic test in Part 1 of the exam, i.e. the electronic case study in Part 2 of the exam, for more than one candidate per exam session.

#### Article26

(not applicable until 1 June 2016)

- (1) In case the implementation of Part 1 or Part 2 of the exam is hindered for reasons causing a technical incapacity to operate the electronic system referred to in Article 15 paragraph (2) of this Law, the examination shall be interrupted.
- (2) If the reasons referred to in paragraph (1) hereof are resolved within 60 minutes of the exam's interruption, the examination shall continue immediately after their resolution.
- (3) If the reasons referred to in paragraph (1) hereof are not resolved within the time-frame referred to in paragraph (2) hereof, the exam shall be postponed to a later date.

#### Article27

(not applicable until 1 June 2016)

- (1) The total duration of the time allotted for answering the questions in Part 1 of the exam shall be 120 minutes.
- (2) The candidate who, by providing correct answers to the test questions, has obtained at least 70% of the total number of points envisaged shall be deemed to have passed the exam.

#### Article28

(not applicable until 1 June 2016)

- (1) The total duration of the time allotted for answering the questions in Part 2 of the exam shall be 60 minutes.
- (2) The candidate who, by providing correct answers to the test questions, has obtained at least 70% of the total number of points envisaged shall be deemed to have passed the exam.

#### Article 29

(not applicable until 1 June 2016)

At the candidate's request, the Commission from Article 30 of this Law shall inform the candidate about the mistakes made in the professional examtest, by providing them with an immediate insight into the test.

#### Article30

(not applicable until 1 June 2016)

- (1) The professional examination for licensed representatives shall be conducted by a Commission established by the Customs AdministrationDirector.
- (2) The Commission referred to in paragraph (1) hereof shall consist of a President, seven Members and their Deputies, out of whom the President and four of the Members shall be representatives of the Customs Administration, two shall be representatives of the Association of Representatives and one shall be a representative of the Ministry of Information Society and Administration, all of which shall be appointed for a period of two years.
- (3) For each conducted exam session, the representatives referred to in paragraph (2) hereof shall receive a monetary compensation in the amount of one quarter of the average net salary in the Republic of Macedonia, for which the Customs Administration shall issue a Decision.

#### Article31

(not applicable until 1 June 2016)

- (1) When taking the professional exam, the candidate shall be assessed with the grade: "has passed the exam" or "has not passed the exam."
- (2) A Certificate signed by the President of the Commission shall be issued for passing the professional exam for licensed representatives.
- (3) The form and content of the Certificate referred to in paragraph 2 hereof shall be prescribed by the Minister of Finance.

#### Article32

(not applicable until 1 June 2016)

- (1) The tests and case studies shall be provided to and used by the candidate only during the examination.
- (2) The materials from the exams held, in particular the paper copies of the tests and case studies for the professional exam and the specimens for verifying the accuracy of the responses to the test and case studies, as well as the recordings of the exams held, shall be kept at the Customs Administration.
- (3) The Minister of Finance shall establish a Committee for Revision of the Conducted Exams, which in its work shall use the materials referred to in paragraph (2) hereof, and which, among other members, shall also include an IT technician from the Ministry of Information Society and Administration.
- (4) The members of the Committee referred to in paragraph (3) hereof shall be entitled to a monetary compensation, which on an annual level shall equal

one-fourth of the average net salary in the Republic of Macedonia, for which the Ministry of Finance shall issue a Decision.

The funds for the monetary compensation for the representatives referred to in paragraph (3) hereof shall be provided from the fee determined in Article 13 paragraph (2) of this Law.

- (5) The Committee referred to in paragraph (3) hereof shall meet after each exam session conducted and audit the manner of conducting the examination, including whether the exam was taken by candidates who meet the conditions for taking the exam in accordance with Article 13 of this Law, for which the Committee shall submit a report to the Minister of Finance.
- (6) The Committee shall have the right to audit the manner of conducting the examinations held in the last five years up to the day of the Committee's meeting, but not before the day of entry into force of this Law.
- (7) If the Committee determines irregularities in the examination caused by individuals as referred to in Article 19 of this Law, it shall propose a revocation of the Certificate referred to in Article 31 paragraph (2) of this Law.
- (8) The Ministry of Finance shall issue a decision for revocation of the Certificate on the basis of the Committee's proposal within three days after receiving such proposal.
- (9) An administrative dispute may be initiated before the competent court against the Decision referred to in paragraph (7) hereof within 30 days after receiving such Decision.

#### Article 33

(not applicable until 1 June 2016)

- (1) The Customs Administration shall organize and conduct complementary training for licensed representatives once a year, independently or in cooperation with the Association of Representatives.
- (2) A fee in the amount of its actual costs shall be charged for the complementary licensed representative training implementation.
- (3) The Program for supplementary licensed representative training and the level of the fee referred to in paragraph (2) hereof shall be prescribed by the Minister of Finance.

### VI. RECORDING, PROCESSING AND PROTECTION OF DATA

#### Article 34

- (1) In accordance with the regulations governing the protection of personal data, the Customs Administration shall collect, record, process, protect and keep the personal and other data on the persons who have attended the preliminary or supplementary training or have passed the professional exam for licensed representatives, as well as the information on persons holding authorizations for authorized customs representatives and licensed representatives.
- (2) The records for the persons referred to in paragraph (1) hereof shall be kept in accordance with the Law on General Administrative Procedure and shall contain information about the name, surname, single personal identification number, residential address, phone number and e-mail address/name, registered address, taxpayer identification number, phone number and e-mail address.
- (3) The Customs Administration shall establish and maintain adequate technical and organizational measures to ensure the security, secrecy and protection in the

processing of personal data contained in the records referred to in paragraph (1) hereof, in accordance with the regulations on personal data protection.

#### Article 35

- (1) The processing of personal data in the Customs Administration's central database shall be performed in accordance with the regulations on personal data protection.
- (2) Personal data shall be collected and used only for the purposes of this Law. The personal data gathered shall be accurate and regularly updated.
- (3) The Customs Administration shall act as a controller in the processing of personal data contained in the central database in accordance with the regulations on personal data protection.
- (4) The person to whom the personal data refers shall have the right to access their data processed in the central database and, if necessary, the right to correct, delete or block their personal data in accordance with the regulations on personal data protection.
- (5) All requests to exercise the right to access, correct, delete or block personal data shall be submitted to the relevant Customs Administration's organizational unit, which shall process the requests.
- (6) When the Authorization/License is revoked, personal data shall be kept for 1 year after the revocation procedure has been finalized.

### VII. CONTROL AND SUPERVISION

#### Article 36

- (1) Control and supervision over the work of Authorized Customs Representatives and Licensed Representatives shall be carried out by the Customs Administration.
- (2) Any Customs Authority may enter the business premises of an Authorized Customs Representative during the working hours in order to perform supervision and control of its work and the work of the Licensed Representatives employed therein.
- (3) The Customs Authority shall prepare a report on the control performed to include the findings from the performed control referred to in paragraph (1) hereof.

#### Article 37

- (1) Immediately upon the first request by the Customs Authority conducting the control referred to in Article 36 of this Law, the person in charge of the Authorized Customs Representative and the Licensed Representative shall answer any questions regarding the representation activities, as well as supply the requested documented evidence and enable the inspection thereof regardless of such evidence storage form.
- (2) If the Authorized Customs Representative and the Licensed Representative store their business records and other documents in an electronic form, the Customs Authority shall have the right to access the database of their computer system, as well as the right to request the preparation and inspection of all documents or declarations which would confirm the data stored electronically.

- (3) The Customs Authority may make copies or use excerpts from all documents resulting from the provisions of this Article.

## VIII. MISDEMEANOR PROVISIONS

### Article38

The misdemeanor body determined by the Law on the Customs Administration shall have the exclusive competency to conduct a misdemeanor procedure and impose a misdemeanor sanction and a special misdemeanor measure for a misdemeanor committed under this Law.

### Article39

A settlement procedure shall be initiated for the misdemeanor referred to in Article 45 of this Law.

### Article40

- (1) When the customs officer determines that a customs offense referred to in Article 45 of this Law has been committed, they shall deliver a mandatory payment order to the offender in the amount of EUR 25 in its denarequivalent.
- (2) If the offender does not pay the fine voluntarily within eight days after the delivery of the mandatory payment order, the payment order shall have the force of an enforcement document and in order to enforce it, the customs officer shall deliver it to the competent enforcement authority.
- (3) The offender who could avoid paying the fine by leaving the country to stay abroad shall immediately pay the fine imposed by the mandatory payment order.
- (4) The customs officer in charge of initiating a misdemeanor procedure may temporarily revoke the offender's travel document or foreigner identity card and driver's license, until proof is furnished that the fine has been paid, but no later than eight days after the day of revocation.
- (5) The authorized customs officers shall be obliged to keep records of the issued payment orders referred to in paragraph (1) hereof and the outcome of the proceduresinitiated.
- (6) The following data shall be collected, processed and stored in the records referred to in paragraph (5) hereof: name and surname, i.e. name of the offender, residence or place of residence, registered address, type of misdemeanor, number of the mandatory payment orderissued and the procedure's outcome.
- (7) The personal data referred to in paragraph (6) hereof shall be kept for five years after the date of their entry into the records.
- (8) The form and content of the mandatory payment order shall be prescribed by the Minister of Finance.

### Article41

- (1) A misdemeanor procedure for the misdemeanors referred to in this Law may not be initiated if more than five years have passed since the day of committing the misdemeanor.
- (2) The statute of limitation shall be discontinued by any action undertaken by the competent authority for the purpose of prosecuting the offender. After each discontinuation, the statute of limitationshall be continued, but the misdemeanor procedure may not be initiated or continued after the expiration of ten years as from the day the misdemeanor was committed.

#### Article42

- (1) A fine in the amount of EUR 5,000 in its denarequivalent shall be imposed on a trade company or sole proprietor if, without authorization, they perform representation activities in customs procedures (Article 3, paragraph 1).
- (2) A fine in the amount of 30% of the fine envisaged for the trade company or sole proprietor shall be imposed on the person in charge of the company or sole proprietor for the activities referred to in paragraph (1) hereof.

#### Article43

- (1) A fine in the amount of EUR 2,000 in its denarequivalent shall be imposed on the Authorized Customs Representative, if:
  - a) they entrust the performing of representation activities in customs procedures to a person who is not a Licensed Representative (Article 3 paragraph 2); or
  - b) they fail to notify the Customs Administration within the prescribed time-frame of any change concerning the fulfillment of the requirements referred to in Article 6 of this Law which are relevant for the issuance or revocation of the Authorization for performing representation activities or the License for performing representation activities.
- (2) A fine in the amount of 30% of the fine envisaged for the Authorized Customs Representative shall also be imposed on the person in charge of the Authorized Customs Representative for the actions referred to in paragraph (1) hereof.

#### Article44

A fine in the amount of EUR 1,000 in its denarequivalent shall be imposed on a natural person who performs representation activities in customs procedures without a License issued by the Customs Administration (Article 7 paragraph 1).

#### Article45

A fine in the amount of EUR 25 in its denarequivalent shall be imposed on a Licensed Representative if:

- a) they fail to return the issued Identification Card within the prescribed time-frame in the cases referred to in Article 12 of this Law;
- b) they do not carry the issued Identification Card on their person while working as a Licensed Representative (Article 8 paragraph 3);
- c) at the request of a customs officer, they do not immediately provide the documents required for the establishment of their status (Article 37).

#### Article46

- (1) A fine in the amount of EUR 5,000 in its denarequivalent shall be imposed on the authorized legal entity which technically conducts the exam referred to in Article 14 paragraph (2) of this Law, if it fails to record the exam, broadcast it live on the Customs Administration website and post the recording of the entire exam on the Customs Administration website in accordance with Article 14 paragraph (7) of this Law.
- (2) A fine in the amount of EUR 10,000 in its denarequivalent shall be imposed on the authorized legal entity which technically conducts the exam referred to in Article 14 paragraph (2) of this Law if it fails to block the radio frequency band in the examination room.

- (2) The responsible person referred to in Article 14 paragraph (2) of this Law shall be imposed a fine in the amount of EUR 2,000 to EUR 3,000 in its denarequivalent if it allows the exam to be taken by a candidate who does not meet the requirements prescribed by this Law.

#### Article 47

- (1) A fine in the amount of EUR 500 to EUR 750 in its denarequivalent shall be imposed on the Authorized Representative referred to in Article 14 paragraph (9) of this Law if they act contrary to Article 19 paragraph (9) of this Law.
- (2) A fine in the amount of EUR 5,000 in its denarequivalent shall be imposed on the authorized institution conducting the exam referred to in Article 14 of this Law, if it does not terminate the exam in accordance with Article 19, paragraphs (5) and (6) of this Law.
- (3) A fine in the amount of EUR 2,000 to EUR 3,000 in its denarequivalent shall be imposed on the authorized representatives referred to in Article 14 paragraph (10) of this Law if they permit the candidate to act contrary to Article 19, paragraphs (2), (3) and (4) of this Law.
- (4) A fine in the amount of EUR 100 to EUR 200 in its denarequivalent shall be imposed on the candidate who acts contrary to Article 19, paragraphs (2), (3) and (4) of this Law.
- (5) The members of the Committee referred to in Article 32 paragraph (3) of this Law shall be imposed a fine in the amount of EUR 2,000 to EUR 3,000 in its denarequivalent if they find examination irregularities, and do not inform the Minister of Finance thereof.

#### Article 47-a

The amount of the fine for a legal entity and a sole proprietor shall be determined in accordance with the Law on Misdemeanors.

#### Article 47-b

- (1) A fine in the amount of EUR 25 to EUR 50 in its denarequivalent shall be imposed on the authorized official of the Customs Administration, if they do not issue an Authorization for performing representation activities in customs procedures, i.e. a License for performing representation activities in customs procedures within the time-frames referred to in Article 5 paragraph (3) and Article 7 paragraph (4) of this Law, after a duly submitted Request along with all the necessary evidence attached thereto.
- (2) A fine in the amount of EUR 25 to EUR 50 in its denarequivalent shall be imposed on the authorized official of the Customs Administration if they fail to request the evidence ex-officio within the time-frames stipulated in Article 5 paragraph (5) and Article 7 paragraph (6) of this Law.
- (3) A fine in the amount of EUR 25 to EUR 50 in its denarequivalent shall be imposed on the authorized official by the competent public authority from which the evidence was requested if they fail to submit the required evidence within the time-frames stipulated in Article 5 paragraph (6) and Article 7 paragraph (7) of this Law.
- (4) Regarding the misdemeanors referred to in paragraphs (1), (2) and (3) hereof, a misdemeanor procedure shall be conducted and a misdemeanor sanction shall be imposed by a competent court.

#### Article 48

- (1) An Authorized Customs Representative who, twice within a period of three years, has been imposed a misdemeanor sanction for committing a misdemeanor referred to in Articles 42 and 43 of this Law, may be imposed a special misdemeanor measure – ban from performing representation activities in customs procedures for a period of thirty days.
- (2) A Licensed Representative who, twice within the period of three years, has been imposed a misdemeanor sanction for committing a misdemeanor referred to in Article 45 of this Law, may be imposed a ban from working as a licensed representative for a period of thirty days.

### IX. TRANSITIONAL AND FINAL PROVISIONS

#### Article 49

The more precise regulations envisaged by this Law shall be adopted within six months after the entry into force of this Law.

#### Article 50

- (1) The persons who, until the day of entry into force of this Law, have obtained an Authorization for performing representation activities in customs procedures shall, within one year as from the entry into force of this Law, fulfill the requirements from Article 5 of this Law and submit a Request to the Customs Administration to issue them an Authorization in accordance with this Law.
- (2) If the persons referred to in the previous paragraph do not act in accordance with paragraph (1) hereof, their Authorization shall cease to be valid.

#### Article 51

- (1) The persons who, until the day of entry into force of this Law, have obtained a License for performing representation activities in customs procedures shall, within one year as from the entry into force of this Law, fulfill the requirements referred to in Article 7, paragraphs (2) and (3) item a) of this Law and submit a Request to the Customs Administration to issue them a License in accordance with this Law, while the requirements from Article 7 paragraph (3) item b) shall be fulfilled within one year as from the date of accession of the Republic of Macedonia to the European Union.
- (2) The License issued to persons who do not act in accordance with paragraph (1) hereof shall cease to be valid and within eight days after the expiration of the deadline referred to in paragraph 1 hereof, such persons shall return the Identification Card (Licensed Representative Identification Card) issued to them.

#### Article 52

At the day of entry into force of this Law, the provisions of Articles 6, 264-a, 264-b, 264-c and 264-d of the Customs Law shall cease to apply (“Official Gazette of the Republic of Macedonia” No. 39/2005; 4/2008; 48/2010; 158/2010; 44/2011; 53/2011, 11/2012, 171/2012 and 187/2013).

#### Article 53

This Law shall enter into force on the eighth day after the day of its publication in the “Official Gazette of the Republic of Macedonia”.

Law amending and supplementing the Law on  
Representation Activities Performance in Customs  
Procedures (“Official Gazette of the Republic of Macedonia”  
No. 154 dated 04 September 2015)

Article 13

The provisions of Article (7) paragraph (3) item b) determined in Article 3 of this Law shall not apply to persons who will earn the right to retire within ten years as from the day of entry into force of this Law.

Article 15

The provisions of Articles 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of the Law on Representation Activities Performance in Customs Procedures (“Official Gazette of the Republic of Macedonia” No. 180/14) shall not apply until 1 June 2016.

Article 16

The procedures for an appeal initiated in accordance with the Law on Representation Activities Performance in Customs Procedures (“Official Gazette of the Republic of Macedonia” No. 180/14) shall be completed in accordance with the Law under which they were initiated, until the day of entry into force of this Law.

The cases in the second-instance administrative procedure decided upon by the Minister of Finance or by a person authorized by the Minister of Finance, for which an administrative dispute was initiated until the day of entry into force of this Law, shall be completed in accordance with the Law under which the procedure was initiated.

Article 17

This Law shall enter into force as at the day of its publication in the “Official Gazette of the Republic of Macedonia”.

Law amending and supplementing the Law on  
Representation Activities Performance in Customs  
Procedures (“Official Gazette of the Republic of Macedonia”  
No. 192 dated 05 November 2015)

Article 14

The secondary legislation stipulated by this Law shall be adopted no later than 30 days after the day of entry into force of this Law.

Article 15

This Law shall enter into force on the eighth day after the day of its publication in the “Official Gazette of the Republic of Macedonia”, except for the provisions of Article 1 amending Article 14, Article 2 amending Article 17, Article 3 amending Article 19, Article 4 amending Article 30 and Article 5 amending Article 32 of this Law, which shall apply as from 1 June 2016 onward.

Law amending and supplementing the Law on  
Representation Activities Performance in Customs  
Procedures (“Official Gazette of the Republic of Macedonia”  
No. 23 dated 10 February 2016)

Article 9

The procedures initiated until the day of entry into force of this Law shall be completed in accordance with the Law under which they were initiated.

Article 10

The provisions of Article 5 paragraphs (2), (5) and (6) stipulated in Article 1 of this Law, of Article 6 stipulated in Article 2 of this Law, of Article 7 paragraphs (6) and (7) stipulated in Article 3 of this Law, of Article 9 stipulated in Article 4 of this Law, of Article 32 paragraph (8) stipulated in Article 6 of this Law, of Article 34 paragraph (2) stipulated in Article 7 of this Law and of Article 47-b Official Gazette of the Republic of Macedonia No. 23 dated 10 February 2016, 3 of 3 stipulated in Article 8 of this Law, shall be applied as from the entry into force of the Law on General Administrative Procedure in accordance with Article 141 of the Law on General Administrative Procedure (“Official Gazette of the Republic of Macedonia” No. 124/15).

Article 11

This Law shall enter into force on the eighth day after the day of its publication in the “Official Gazette of the Republic of Macedonia”.